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AMENDED IN ASSEMBLY JUNE 1, 2015
AMENDED IN ASSEMBLY MAY 6, 2015
AMENDED IN ASSEMBLY APRIL 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1012

Introduced by Assembly Member Jones-Sawyer
(Coauthors: Senators Hall and Mitchell)

February 26, 2015

An act to add Sections 51228.1, 51228.2, and 51228.3 to the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 1012, as amended, Jones-Sawyer. Pupil instruction: course periods without educational content.

(1) Existing law establishes a system of public elementary and secondary education in this state, and requires and authorizes local educational agencies to provide specified instruction at elementary and secondary schools. Existing law prescribes various requirements with respect to a course of study for grades 7 to 12, inclusive, at these schools.

This bill, commencing with the 2016–17 school year, would prohibit school districts that maintain any of grades ~~7~~ 9 to 12, inclusive, from assigning any pupil enrolled in a school, as defined to exclude alternative schools, community day schools, continuation schools, and opportunity schools, in the school district to any course period without educational content, as defined, for more than one week in any semester, except under prescribed conditions. The bill would specifically prohibit school

districts from assigning any pupil enrolled in a school in the school district to a course period without educational content because there are not sufficient curricular course offerings for the pupil to take during the relevant period of the designated schoolday.

The bill ~~would~~ *would, commencing with the 2016–17 school year*, also prohibit school districts that maintain any of grades ~~7~~ 9 to 12, inclusive, from assigning a pupil to a course that the pupil has previously completed and received a grade determined by the school district to be sufficient to satisfy the requirements and prerequisites for admission to the California public institutions of postsecondary education and the minimum requirements for receiving a diploma of graduation from high school, except under specified conditions.

The bill would specify that it is not to be interpreted to limit or otherwise affect the authority of a school district to provide evening high school programs, independent study programs, or work-based learning or work experience education.

The bill would specify procedures to be followed if a complaint of noncompliance with the requirements of the bill is filed with a local educational agency or if an appeal of the local educational agency's decision on the complaint is made to the State Department of Education. The bill would require the Superintendent of Public Instruction to prepare an annual report detailing actions taken pursuant to these procedures.

The bill would require the Superintendent to ~~adopt~~ *develop* regulations *for adoption by the State Board of Education* governing these provisions.

To the extent that this bill would create new duties for local educational agencies, it would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 51228.1 is added to the Education Code, to read:

51228.1. (a) Commencing with the 2016–17 school year, except as provided in subdivision (e), a school district maintaining any of grades 7 to 12, inclusive, shall not assign any pupil enrolled in a school in the school district to any course period without educational content for more than one week in any semester, unless all of the following conditions are satisfied:

(1) ~~For any pupil who has not fulfilled the prerequisites for admission to the California public institutions of postsecondary education or the minimum requirements for receiving a diploma of graduation from high school established in this article:~~

(A) ~~The principal or an assistant principal of the school certifies in a document to be placed in the pupil's cumulative record that the pupil will benefit from being assigned to the course period, and provides an individualized explanation in the written certification for that conclusion, which may include an individualized determination that the pupil will benefit from mentorship that will be provided by the certificated or certified employee supervising the pupil during the relevant period.~~

(B) ~~The principal or an assistant principal of the school certifies in a document to be placed in the pupil's cumulative file that providing a course period with educational content is not likely to benefit the pupil to the same extent as providing the course period without educational content, and provides an explanation in the written certification for that conclusion.~~

(C) ~~The principal or an assistant principal of the school certifies in a document to be placed in the pupil's cumulative record that the pupil is not being assigned to the course because there are no other courses with curricular content for the pupil to take during the relevant period in the designated schoolday.~~

(D) ~~The principal or an assistant principal of the school certifies in a document to be placed in the pupil's cumulative record that the pupil and the parent, legal guardian, or educational rights holder of the pupil have consented to the pupil's enrollment in the course period without educational content and that the school has obtained a consent form, signed by the pupil and the parent, legal guardian, or educational rights holder of the pupil.~~

~~(E) The pupil is assigned to no more than one course period without educational content during a single semester.~~

~~(2) For any pupil who has fulfilled both the prerequisites for admission to the California public institutions of postsecondary education and the minimum requirements for receiving a diploma of graduation from high school established in this article:~~

~~(A) The principal or an assistant principal of the school certifies in a document to be placed in the pupil's cumulative record that the pupil will benefit from being assigned to the course period and provides an individualized explanation in the written certification for that conclusion, which may include an individualized determination that the pupil will benefit from mentorship that will be provided by the certificated or certified employee supervising the pupil during the relevant period or identification of the educational or employment opportunity that assigning the course period will allow the pupil to pursue and reason for concluding the pupil will, in fact, pursue that opportunity.~~

~~(B) The principal or an assistant principal of the school certifies in a document to be placed in the pupil's cumulative record that the pupil is not being assigned to the course because there are no other courses with curricular content for the pupil to take during the relevant period in the designated schoolday.~~

~~(C) The principal or an assistant principal of the school certifies in a document to be placed in the pupil's cumulative record that the pupil and the parent, legal guardian, or educational rights holder of the pupil have consented to the pupil's enrollment in the course period without educational content and that the school has obtained a consent form, signed by the pupil and the parent, legal guardian, or educational rights holder of the pupil.~~

~~(1) A pupil is assigned to that course only if the pupil or, for a pupil who has not reached the age of majority, the pupil's parent, guardian, or educational rights holder has consented in writing to the assignment.~~

~~(2) A school official has determined that the pupil will benefit from being assigned to the course period.~~

~~(3) The principal or assistant principal of the school has stated in a written document maintained at the school that, for the relevant school year, no pupils are assigned to those classes unless the school has met the conditions specified in paragraphs (1) and (2).~~

1 (b) Under no circumstances shall a school district assign any
2 pupil enrolled in a school in the school district to a course period
3 without educational content because there are not sufficient
4 curricular course offerings for the pupil to take during the relevant
5 period of the designated schoolday.

6 (c) For purposes of this section, “course period without
7 educational content” is defined as one course period during which
8 any of the following occurs:

9 (1) The pupil is sent home or released from campus before the
10 conclusion of the designated schoolday.

11 (2) The pupil is assigned to a service, instructional work
12 experience, or to a course that has a different name, but involves
13 ~~the pupil providing assistance to a certificated employee in a~~
14 ~~situation in which the ratio of pupil to employee is greater than~~
15 ~~one to one; an otherwise named course in which the pupil is~~
16 ~~assigned to assist a certificated employee, but not expected to~~
17 ~~complete curricular assignments, in a course the certificated~~
18 ~~employee is teaching during that period and where the ratio of~~
19 ~~certificated employees to pupils assigned to the course for~~
20 ~~curricular purposes is less than one to one.~~

21 (3) The pupil is not assigned to any course for the relevant
22 course period.

23 (d) Nothing in this section shall be interpreted to limit or
24 otherwise affect the authority of a school district to establish and
25 maintain evening high school programs, as provided for in Article
26 3 (commencing with Section 51720) of Chapter 5, to offer
27 independent study, as provided for in Article 5.5 (commencing
28 with Section 51745) of Chapter 5, to provide courses of work-based
29 learning or work experience education, as provided for in Article
30 7 (commencing with Section 51760) of Chapter 5, or to offer any
31 class or course of instruction authorized under Chapter 5
32 (commencing with Section 51700), if the program otherwise meets
33 all of the requirements of law governing that program.

34 (e) This section shall not apply to a pupil enrolled in any of the
35 following:

- 36 (1) An alternative school.
37 (2) A community day school.
38 (3) A continuation high school.
39 (4) An opportunity school.

(f) The Superintendent shall ~~adopt~~ *develop* regulations for *adoption by the state board* to establish procedures governing this section, including the form of the ~~certifications~~ *written statement* required pursuant to subdivision (a).

SEC. 2. Section 51228.2 is added to the Education Code, to read:

51228.2. (a) ~~Except~~ *Commencing with the 2016–17 school year, except* as provided in subdivision (d), a school district maintaining any of grades ~~7~~ 9 to 12, inclusive, shall not assign any pupil enrolled in a school in the school district to a course that the pupil has previously completed and received a grade determined by the school district to be sufficient to satisfy the requirements and prerequisites for admission to the California public institutions of postsecondary education and the minimum requirements for receiving a diploma of graduation from high school established in this article, ~~unless the pupil is assigned for the purpose of improving a lesser grade or because the course has been designed to be taken more than once, or unless all~~ *either* of the following conditions are satisfied: *applies*:

(1) ~~The principal or an assistant principal of the school certifies in a document to be placed in the pupil's cumulative record that the course is designed to be repeated because pupils are exposed to a new curriculum year-to-year and are therefore expected to derive educational value from taking the course again.~~

(2) ~~The principal or an assistant principal of the school certifies in a document to be placed in the pupil's cumulative record that the pupil is not being assigned to the course because there are no other courses with curricular content for the pupil to take during the relevant period in the designated schoolday.~~

(3) ~~The principal or an assistant principal of the school certifies in a document to be placed in the pupil's cumulative record that the pupil has consented to the pupil's enrollment in the course.~~

(1) *The course has been designed to be taken more than once because pupils are exposed to a new curriculum year to year and are therefore expected to derive educational value from taking the course again.*

(2) *For any course that has not been designed to be taken more than once, all of the following conditions are satisfied:*

(A) *A pupil is assigned to the course only if the pupil or, for a pupil who has not reached the age of majority, the pupil's parent,*

1 guardian, or educational rights holder has consented in writing
2 to the assignment for the purpose of improving a lower grade.

3 (B) A school official has determined that the pupil will benefit
4 from being assigned to the course period.

5 (C) The principal or assistant principal of the school has stated
6 in a written document to be maintained at the school that, for the
7 relevant school year, no pupils are assigned to those classes unless
8 the school has met the conditions specified in subparagraphs (A)
9 and (B).

10 (b) Under no circumstances shall a school district assign any
11 pupil enrolled in a school in the school district to a course that the
12 pupil has previously completed and received a grade determined
13 by the school district to be sufficient to satisfy the requirements
14 and prerequisites for admission to the California public institutions
15 of postsecondary education and the minimum requirements for
16 receiving a diploma of graduation from high school established in
17 this article because there are not sufficient curricular course
18 offerings for the pupil to take during the relevant period of the
19 designated schoolday.

20 (c) Nothing in this section shall be interpreted to limit or
21 otherwise affect the authority of a school district to establish and
22 maintain evening high school programs, as provided for in Article
23 3 (commencing with Section 51720) of Chapter 5, to offer
24 independent study, as provided for in Article 5.5 (commencing
25 with Section 51745) of Chapter 5, to provide courses of work-based
26 learning or work experience education, as provided for in Article
27 7 (commencing with Section 51760) of Chapter 5, or to offer any
28 class or course of instruction authorized under Chapter 5
29 (commencing with Section 51700), if the program otherwise meets
30 all of the requirements of law governing that program.

31 (d) This section shall not apply to a pupil enrolled in any of the
32 following:

- 33 (1) An alternative school.
- 34 (2) A community day school.
- 35 (3) A continuation high school.
- 36 (4) An opportunity school.

37 (e) The Superintendent shall ~~adopt~~ *develop* regulations for
38 *adoption by the state board* to establish procedures governing this
39 section, including the form of the ~~certifications~~ *written statement*
40 required pursuant to subdivision (a).

SEC. 3. Section 51228.3 is added to the Education Code, to read:

51228.3. (a) A complaint of noncompliance with the requirements of Section 51228.1 or 51228.2 may be filed with the local educational agency under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

(b) A complainant not satisfied with the decision of a local educational agency may appeal the decision to the department pursuant to the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations, and shall receive a decision regarding the appeal within 60 days of the department's receipt of the appeal.

(c) If a local educational agency finds merit in a complaint filed pursuant to subdivision (a), or the Superintendent finds merit in an appeal made pursuant to subdivision (b), the local educational agency shall provide a remedy to the affected pupil.

(d) The Superintendent shall prepare an annual report detailing actions taken pursuant to this section. By January 1 of each ~~fiscal~~ year, the Superintendent shall submit the report to the appropriate fiscal and policy committees of the Legislature.

(e) The Superintendent shall have all power and authority necessary to effectuate the requirements of this section. The Superintendent shall ~~adopt~~ *develop* regulations *for adoption by the state board* that set forth the procedures governing this section.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.